

### Claims

- 5 1. (Currently Amended) Method for delivering messages to a mobile terminal  
device in case of an unsuccessful message delivery attempt to said mobile  
terminal device from a Store-and-Forward Entity (SFE) of a mobile  
communication network having a presence service, said presence service  
providing an information about the attainability of said mobile terminal device,  
10 characterized by:  
receiving a notification about an unsuccessful delivery attempt of said  
message, and  
subscribing to said presence service for receipt of notifications about the  
attainability of said mobile terminal device,  
15 checking availability information of said mobile terminal device in said  
presence service for an acceptance of said message by said mobile terminal  
device,  
initiating a delivery attempt of said message to said mobile terminal device,  
in accordance with the result of said checking,  
20 wherein said availability information for the acceptance of said messages by said  
mobile terminal device comprises information selected from a group of: type of  
message, size of the message, data content of the message, location of said  
mobile terminal device and willingness of a user of said mobile terminal device  
to receive a message.  
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2. (Currently Amended) Method according to claim 1, further comprising:  
receiving a status change notification message from said presence service  
about said mobile terminal device having a change of said availability  
information,  
30 starting a delivery attempt of said message to said mobile terminal device, in  
accordance with said received status change notification message.
3. (Currently Amended) Method according to claim 1, wherein said message is a  
multi media message.  
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4. (Currently Amended) Method according to claim 1, further comprising receiving  
of said message to be transmitted to said mobile terminal device.

5. (Currently Amended) Method according to claim 1, further comprising checking availability information of said mobile terminal device in said presence service for the availability of said mobile terminal device.  
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6. (Currently Amended) Method according to claim 1, wherein said availability information for acceptance of said message is depending on properties of said message.  
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7. (Original) Method according to claim 6, wherein said properties are selected from a group comprising: message type, message size, sender type, and sender.
8. (Currently Amended) Method according to claim 1, wherein said availability information of said mobile terminal device in said presence service can arbitrarily be changed by receiving said presence service status change message from said mobile terminal device.  
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9. (Currently Amended) Software tool for performing a delivery attempt of a message to a mobile terminal device in accordance with the information related to the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the steps of claim 1 when said software tool is implemented in a program run on a Store-and-Forward Entity or a network device.  
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10. (Currently Amended) Computer program for performing a delivery attempt of a message to a mobile terminal device in accordance with the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the steps of claim 1 when said program is run on a Store-and-Forward Entity or a network device.  
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11. (Currently Amended) Computer program product comprising program code means stored on a computer readable medium for carrying out the method of claim 1 when said program product is run on a Store-and-Forward Entity or a network device.  
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12. (Currently Amended) Store-and-Forward Entity connectable to a mobile  
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- communication network having a presence service for store-and-forwarding a message to a mobile terminal device, characterized by:  
a component for receiving a notification about an unsuccessful delivery attempt of said message, and  
5 a component for subscribing to said presence service for receipt of notifications about the attainability status of said mobile terminal device, and said presence service,  
wherein said presence service provides an information about acceptance of said message selected from the group comprising: message type, message size,  
10 message content, sender type, sender, and location of said mobile terminal device.
13. (Currently Amended) Store-and-Forward Entity according to claim 12, further characterized by:  
15 a component for checking availability information of a presence service for an acceptance of said message by said mobile phone, and  
a component to initiate a delivery attempt of said message to said mobile terminal device, in accordance with the operation of said checking component.
- 20 14. (Original) Store-and-Forward Entity according to claim 13, further comprising a component for checking availability information of said presence service for the availability of said mobile terminal device.
- 25 15. (Currently Amended) Store-and-Forward Entity according to claim 13, further comprising a component for receiving messages to be transmitted to said mobile terminal device.
- 30 16. (Currently Amended) Store-and-Forward Entity according to claim 12, further comprising a component to change said availability information in said presence service of said mobile terminal device according to the reception of a presence service status change message from said mobile terminal device.